

REMARKS/ARGUMENTS

The present Amendment is responsive to the final Office Action mailed January 30, 2008 in the above-identified application.

Claims 7, 10 and 22 are the claims currently pending in the present application.

Claim 7 is amended to clarify features recited thereby.

Rejection of Claims 7, 10 and 22 under 35 U.S.C. § 112, First Paragraph

Claims 7, 10 and 22 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement on the ground that the recitation “only in the supplying of the alkaline solution in said first step and said third step . . .” is an “exclusionary provision” and therefore constitutes new matter not fully supported by the original disclosure.

While applicant does not agree with the view of the Office Action that the addition of the new recitation of claim 7 constitutes impermissible new matter, in the interest of expediting prosecution of the present application and conserving examination resources, claim 7 is amended.

Rejection of Claims 7, 10 and 22 under 35 U.S.C. § 112, Second Paragraph

Claims 7, 10 and 22 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite on the ground that the recitation “said external-mix bi-fluid nozzle” of claim 7 lacks sufficient antecedent basis.

Claim 7 is amended.

Rejection of Claims 7, 10 and 22 under 35 U.S.C. § 103

Claims 7, 10 and 22 are rejected under 35 U.S.C. § 103 as being obvious from Aoki et al., U.S. Patent No. 5,635,053 in view of Hirae, U.S. Patent Application Publication No. 2003/0178047 or Izumi et al., U.S. Patent Application Publication No. 2003/0170988 as evidenced by Verhaverbeke, U.S. Patent No. 5,972,123, Tomita et al., U.S. Patent No. 6,431,185 and Skee, U.S. Patent No. 6,465,403. Reconsideration of this rejection is respectfully requested.

Both Hirae and Izumi were published after the priority date of even the last-filed Japanese priority document, JP 2003/295269, filed on August 19, 2003. Thus, since Hirae and Izumi have U.S. filing dates of March 5, 2003 and January 28, 2003, respectively, they qualify as prior art, if

at all, only under 35 U.S.C. § 102(e). Submitted herewith is an electronically scanned version of an English translation of priority document JP 2003/295269 and the verification of translation thereof. JP 2003/295269 fully supports claims 7, 10 and 22.

Therefore, pursuant to 35 U.S.C. § 103(c), since both Hirae and Izumi were assigned to the same company as was the present application, Hirae and Izumi cannot be cited in a Section 103 obviousness rejection against the present patent application.

The Office Action acknowledges that Aoki does not disclose rotate the substrate in horizontal plane during the process and injection of droplets formed by mixing the solution with gas (Office Action, page 4). Accordingly, Aoki does not disclose or suggest the recitations of claim 7.

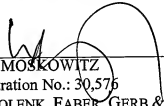
Claims 10 and 22 depend from claim 7 and are therefore patentably distinguishable over the cited art for at least the same reasons.

In view of the forgoing discussion, withdrawal of the rejections and allowance of the claims of the application are respectfully requested.

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